

Staci Burk
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(480) 343-4518
Proper

DISTRICT COURT OF ARIZONA
UNITED STATES DISTRICT COURT

STACI BURK, an individual,

Plaintiff,

CV-22-1967-PHX-DMF

v.

MOTION FOR LEAVE

TO AMEND COMPLAINT

**KELLY TOWNSEND, an individual
in her personal capacity, RYAN
HARTWIG and Jane Doe, a
married individual, MICHAEL T.
FLYNN and Jane Doe, a married
individual, SIDNEY POWELL, a
single woman, DOUG LOGAN and
Jane Doe, a married individual,
TOWN OF FLORENCE, a
municipality, and DOES I-C
inclusive,**

(Assigned to Honorable Deborah Fine)

Defendants.

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3 Plaintiff Staci Burk respectfully requests the Court grant Plaintiff leave to amend her
4 Complaint, and file with this Court the attached amended complaint. Prior to Defendant
5 Townsend filing her Motion to Dismiss, Defendant and Plaintiff conferred and between the
6 consultation with Defendants Counsel and Plaintiff consulted the law library following this
7 meeting. Although Plaintiff was hospitalized for over a month during the time period and was
8 undergoing further medical treatment and physical incapacitation that interfered with her ability
9 to seek consultation in person at the law library to obtain assistance during that period. Plaintiff
10 worked diligently focusing on detailed factual claims based on what Defendant did, rather than
11 the generalized conclusory statements included in her prior complaint and added indispensable
12 parties that worked directly with Defendant Townsend.
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15 Due to the severe trauma, Plaintiff and her family endured as a result of Defendant's
16 actions, which were ongoing and continuous over a two-year period, it is still challenging for
17 Plaintiff to concisely describe her claim because Plaintiff and Defendant had regular contact over
18 the two-year period and there were many acts that occurred. The entire experience was very
19 traumatizing for Plaintiff and her family. In her amended complaint, Plaintiff described claims as
20 best she could given the psychological trauma Plaintiff and her family experienced as a direct
21 result of Defendant Townsend's actions which Defendant claimed were based on exercising her
22 "plenary" authority as House Elections chair.
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25 Plaintiff contends the attached proposed amended complaint more concisely consolidates
26 Plaintiff's Federal claims and damages for Defendants and the Court. The proposed amendment
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1 is written in larger font and has been reduced to one-third of her prior complaint and organizes
2 Plaintiff's claims as best she can given that she is not an attorney.

3 Since Defendant submitted her Motion to Dismiss, Plaintiff was again hospitalized for a
4 week and has worked as diligently as possible to comply with presenting her claims following
5 the rules and guidelines provided by the Court. Due to her illness and hospitalization, Plaintiff
6 has not yet served the co-Defendants but located the addresses and process servers to effect
7 service expeditiously should the Court grant her leave to amend with the attached complaint.
8

9 WHEREFORE, for the above-stated reasons, Plaintiff respectfully requests leave of
10 Court to file the attached amended Complaint.
11

12 Executed on August 21, 2023.

13
14
15 *Staci Burk*

16
17 STACI BURK
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19 Gilbert, Arizona 85295
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21 (480) 343-4518
22 Proper

23 Filed this 21st day of August 2023;

24 United States District Court
25 District of Arizona
26 401 W. Washington St., Suite 130, SPC 1
27 Phoenix, AZ 85003-2118
28 602-322-7200

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2023, I filed the foregoing document to the Clerk of the Court copy of the foregoing sent via U.S. mail to:

Dennis I. Wilenchik, #005350
John "Jack" D. Wilenchik, #029353
Jordan C. Wolff, #034110
admin@wb-law.com
Attorneys for Defendant Kelly Townsend

By: SB